

years in the legislature and another four as a city official and Mayor in Margate, Representative Tobin has carved out a reputation as a strong consumer advocate. His legislation has protected car buyers, cracked down on fraudulent telemarketers, and protected travelers from travel agencies that go out of business. Representative Tobin was also a champion of issues important to older Americans such as Alzheimer's patient care and Medicare protection. Most important to Representative Tobin were his efforts on the Clean Indoor Air Act, the Foster Care Statute and the Major Telecommunications Acts of 1989 and 1996.

Representative Tobin has enjoyed his 20 years in public service and although he will be entering the business world, and will no longer be a public official, I know he will continue serving the people of Broward County and Florida as ably as ever.

#### TRIBAL TRUST FUND SETTLEMENT ACT OF 1998

#### HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 30, 1998*

Mr. MILLER of California. Mr. Speaker, today I am introducing, by request, the Tribal Trust Fund Settlement Act of 1998. This legislation sets up a process through which Indian Tribes could enter into negotiations with the Department of Interior in order to agree on account balances for some 1,500 trust fund accounts held in trust by the United States.

Since the early 1900's the Department of Interior has managed funds derived from land resources for Indian tribes and individual Indians. These funds have been badly mismanaged and the Department can not verify account balances. After a 5-year and \$21 million attempt to reconcile accounts, it became clear that because of the volume of missing documents, reconciliation would be impossible.

This legislation is a good step in the right direction by admitting mistakes and moving forward to clean up the problems of tribal trust fund accounts. Under the legislation, the Department of Interior would make an offer to settle each tribal account. If the offer is rejected, both parties would enter into informal dispute resolution in order to try to come to agreement without the cost and time incurred by litigation. If agreement cannot be reached, tribes would be free to pursue recourse through court action. I am hopeful that we can reach some agreement during the legislative process that provides tribes with a guarantee that if they choose to go to court, they will have swift access to the courts.

Settlement funds agreed to under this legislation would come from the judgment fund made available for judgments against the United States and not from the already strapped tribal programs in the Interior Department. I commend Secretary Babbitt for his diligent work and commitment and hope hearings will be held immediately so that we may hear from the affected Indian tribes on this proposal.

IN MEMORY OF CONGRESSMAN  
STEVE SCHIFF

#### HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 30, 1998*

Mr. COSTELLO. Mr. Speaker, I want to join my colleagues today in honoring our colleague, Congressman Steve Schiff of New Mexico.

Steve was a friend to me and many others in this chamber. His down-to-earth manner and conscientious approach to Congressional service were welcome attributes to this body. He fought his illness courageously, never allowing it to interfere with his friendships or his devotion to the issues he cared about.

I had the privilege of traveling to the Middle East with Steve Schiff during the Persian Gulf crisis of 1991. We shared stories and common perceptions about how difficult it will be to achieve a lasting peace in such a complex and varied region. He was a thoughtful, intelligent companion and I am sure his constituents will miss his service as much as I will miss his friendship.

At a time when the public is looking for leadership and understanding from its elected officials, Steve Schiff was a model. He conducted himself with a quiet grace, even when his illness took a fatal turn. I know my colleagues will join me in marking his contributions to this House, his civility and his friendship. We will miss his service very much.

#### MEDICARE PSYCHIATRIC HOSPITAL PROSPECTIVE PAYMENT SYSTEM ACT OF 1998

#### HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 30, 1998*

Mr. CARDIN. Mr. Speaker, today I am pleased to join my colleague JIM MCCRERY in introducing the Medicare Psychiatric Facility Payment Reform Act of 1998. This legislation would improve care provided to Medicare beneficiaries by reforming how Medicare pays for services in free-standing psychiatric hospitals and distinct-part psychiatric units of general hospitals. Our bill proposes to move psychiatric facilities to a prospective payment system (PPS) while phasing in substantial reductions in payments to these providers as required by the Balanced Budget Act (BBA) of 1997. Currently psychiatric hospitals and units are exempt from PPS and their costs are reimbursed under provisions in the 1982 Tax Equity and Fiscal Responsibility Act, or TEFRA.

Because last year's cuts were so deep and sudden, with no transition period to allow psychiatric facilities to adapt to the changes, I am concerned that patient care will be jeopardized. Clearly something needs to be done. Our proposal provides a workable solution. It joins psychiatric facilities with other providers in the Medicare program that are paid on a prospective basis, a reimbursement system that will be more efficient, allow for better planning,

and lead to improved patient care. Our bill also ensures that, in the interim, inpatient psychiatric care is not compromised or disrupted because of precipitous budget reductions.

I urge my colleagues to join me in co-sponsoring this important piece of legislation.

#### TRIBUTE TO WILLIAM MCLUCAS, DIRECTOR OF ENFORCEMENT, U.S. SECURITIES AND EXCHANGE COMMISSION

#### HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 30, 1998*

Mr. DINGELL. Mr. Speaker, it is my honor and privilege today to commemorate the career of a remarkable public servant.

Bill McLucas, the Director of Enforcement at the U.S. Securities and Exchange Commission, will soon be leaving his important post after twenty-two years of distinguished service to his country with eight of those years as this country's chief securities enforcer.

The Enforcement Division protects the nation's investors by uncovering and prosecuting fraud in our financial markets. Under Bill's leadership, the SEC's Enforcement Division has secured its place as one of the crown jewels in the country's ongoing efforts to combat white collar crime. Tens of millions of investors have benefited from Bill's fierce commitment to fighting fraud.

In 1995, Bill gave a speech in San Diego warning the municipal market that the SEC was planning to "tack a few hides to the shed door"—a remark for which he was teased and criticized for years afterwards. However, I come to the House Floor to praise him. His remarks were dead on the mark.

Pensioners, retirees, widows with insurance proceeds, parents trying to help their kid pay for college, couples saving for their first home—these are the people Bill McLucas thinks about and works for every day. And, Bill has done the right thing for the right reasons for a very long time.

His remarkable record of accomplishment includes: the unprecedented resolution of the Prudential limited partnership scandal; the vigorous prosecution of insider traders on Wall Street who abused their positions of trust; the complex actions against major firms that helped rig auctions for government securities; and the discovery of abuses on NASDAQ that for many years harmed investors in the over-the-counter market.

Though his Division seems always to have had limited resources, Bill seems always to have found a way to bring small scale frauds to justice as well.

Although he is moving on, Bill has left an indelible mark on the SEC and the Enforcement Division that should last for generations. His integrity, decency, commitment to fair play, and inherent sense of justice have made an extraordinary contribution to the success of our markets—success that can't be measured on a profit and loss statement or a balance sheet. We owe him our profound thanks.

TRIBUTE TO THOMAS E. HARDY  
AND ANN CESTARO

**HON. BILL PASCRELL, JR.**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 30, 1998*

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention Thomas E. Hardy of Prospect Park, New Jersey and Ann Cestaro of Totowa, New Jersey. Tom and Ann were honored at the Passaic Valley Elks Lodge 2111 Awards Dinner.

Tom was born on December 16, 1947 in Paterson, New Jersey. As a resident of Paterson, he attended the local public schools, including P.S. No. 5 and Central High School, where he graduated in 1965. Upon graduating from high school, Tom was drafted into the United States Navy and served his country with honor.

As an Aviation Gunners Mate, 2nd Class during the Vietnam War, Tom received numerous medals and commendations, including the National Defense Service Medal, the Vietnam Service Medal, the Vietnam Campaign Medal, the Navy Unit Commendation, and the Armed Forces Expeditionary Medal (Korea). He was honorably discharged in 1970.

After leaving the U.S. Navy, Tom decided to further his education. He attended Southwestern College from 1970 to 1972, earning an Associate's degree in Finance. From 1973 to 1976, he attended San Diego State, earning a Bachelor of Science degree in Finance. Upon graduating from San Diego State, Tom then attended Florida State, and in 1980 earned an M.B.A. degree in Finance.

During the years 1970 to 1982, he worked for Martin Marietta, in both California and Florida. Starting out as a senior buyer, Tom worked his way up to become chief of procurement, responsible for purchasing and establishing out-of-town representation for the company. In 1982, Tom came back to New Jersey and was employed by the Kearfott Guidance and Navigation Corporation. As a senior buyer, he was responsible for contracts relating to computer hardware and software, as well as government contracts. Tom also was responsible for the inspection of facilities, production ability, and financial worthiness of all sub-contractors utilizing company and customer personnel. In 1994, Tom was employed as a senior buyer by DRS Military Systems of Oakland. He was responsible for the procurement of materials for the ASVS program, and operating on strict budget, was able to save the company more than \$265,000.

Tom was a Scout Master from 1986 to 1989 for BSA Troop 2, St. Paul's Church, Prospect Park. He is a member of V.F.W. Post 5084, Elmwood Park and has been a member of the Passaic Valley Elks Lodge since 1991. As an active member of the Elks, Tom has served as Memorial Service Chairman, Parade Chairman, Charity Ball Chairman, and Flag Chairman. He is also the Lodge's Past President and Exalted Ruler.

Ann Cestaro is a resident of Totowa, having lived there for 40 years. Having been married for 33 years, she has three married daughters and three grandchildren. She is employed by Cestaro's Furniture Refinishing, a 25 year-old family-owned business.

Ann is a member of the Passaic Valley Elks Lodge Ladies Auxiliary for 30 years. She has

served twice as President and in many other capacities. She is also active with the Veterans Committee and the Handicapped Committee.

Mr. Speaker, I ask that you join me, our colleagues, Tom and Ann's family and friends, and the members of the Passaic Valley Elks Lodge 2111 in recognizing the many outstanding and invaluable contributions Thomas E. Hardy and Ann Cestaro have made to our community.

HONORING THE HONORABLE  
DEBBIE HORAN UPON HER RE-  
TIREMENT

**HON. PETER DEUTSCH**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 30, 1998*

Mr. DEUTSCH. Mr. Speaker, I rise today to honor the career of a respected and admired public servant from Florida: The Honorable Debbie Horan. Representative Horan recently announced her retirement from the Florida House of Representatives.

Representative Horan, of Key West, was first elected in 1994 at the young age of 31. While serving in the state house she has made education her top priority. For her efforts to improve education in Florida, Representative Horan was named Legislator of the Year by the Florida Association of District School Superintendents, as well as the Florida School Boards Association. Representative Horan was also recognized as the Outstanding Young Floridian by the Florida Jaycees.

For Representative Horan, her service to the people in Key West has been a great honor and a tremendous opportunity to be an advocate for better education in Florida. Although Representative Horan is leaving to spend more time with her two young daughters, Lindsey and Kelsey, I hope she will one day return to public service. She will be missed.

"MY VOICE IN OUR DEMOCRACY"

**HON. BARNEY FRANK**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 30, 1998*

Mr. FRANK of Massachusetts. Mr. Speaker. I remember from my own High School days the benefit I gained from participating in the Voice of Democracy contest, and I am therefore particularly pleased to share here with our colleagues the winning Massachusetts entry in the 1997-1998 VFW Voice of Democracy scriptwriting competition.

The winner, Leah Makuch, did an excellent job of expressing her understanding of the democratic system in which we Americans are fortunate enough to live. I am sometimes disappointed that more teenagers do not take advantage of the opportunities which our democratic system offers them, and thus I was particularly pleased to read Leah Makuch's excellent exposition on this subject, and I am for this reason very happy to have a chance to make it widely available.

"MY VOICE IN OUR DEMOCRACY"

1997-98 VFW VOICE OF DEMOCRACY SCHOLARSHIP  
COMPETITION MASSACHUSETTS WINNER

(By Leah Makuch)

So many parts of this world are silent. So many people are silenced by governments afraid of the power of speech, afraid of the people they seek to control. They use their governmental power against the members of their own country.

On the contrary, I live where I am allowed to speak, encouraged to speak, even required to speak by my human responsibilities. I live in a country of loud voices shouting their opinions, in a country where this is expected. I live in a democracy, and my voice counts.

On the literal level, my voice is rather quiet. Yet I have the power to speak loudly and firmly, to shout my beliefs unto listening ears. My words reverberate through the great Rocky mountains and are projected over the marquee in Times Square, carried along every television network and telephone line, even electronically transmitted to millions of computers all over America. When I choose not to buy a particular product because its manufacturer endorses something I oppose, I am speaking my message to this manufacturer. When I petition against a congressional bill, I speak my opposition loudly and clearly. And although I cannot legally vote, my voice is heard through the votes of my parents and family members. I am a member of a democracy, and it is my responsibility to make myself heard.

Here I stand, right now, on the soapbox of this cassette tape, confident that when I speak about democracy, someone is listening. The ears upon which my words fall are not deaf to my message. I am being listened to at this very moment, and my voice as an American, as a member of a democracy, is respected as being worth hearing. For this reason, if for no other, I should speak. I should speak, I must speak, for that which I believe in and against that which I oppose, because in my heart I know that someone will hear my words. I live in a great democratic puzzle, and my piece fits where no other can. I am not excluded because I am young. I am included because I am worth listening to.

The American Heritage Dictionary defines democracy as "the common people, considered as the primary source of political power." I am a member of this common people, this source of power. What other united, non-democratic peoples would not scoff at my words proclaiming myself as such? This democracy in which I live sees me as this, however. This democracy recognizes my voice as a consumer, future voter, a thinker, and, most importantly of all, as a human being.

As a human being, I have been granted inalienable rights, most notably the rights to life, liberty, and the pursuit of happiness. Primarily, my right to life. Is my life complete, if I have no say in how it is led? Therefore, my voice is a central part of my right to life. I have the right to liberty. This liberty is a liberty of the mind, heart, and soul, a liberty to make my wishes known and live in fear of being persecuted. My voice is my liberty. I have the right to the pursuit of happiness. I have the right to seek out that which makes me happy and support it with the God-given voice inside of me. My voice is the means by which I can pursue my happiness. Therefore, with my voice being a central theme in my rights as a human being, I have four primary inalienable rights: life, liberty, the pursuit of happiness, and the voice by which to fulfill these. My voice is my right as a human being.

On face value, it sounds like a right that can be taken lightly. Freedom of speech.